



PATENT

ATTORNEY DOCKET NO.:CDL-023FW

(1370/46)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): *Moyne, et al*
SERIAL NO.: 10/071,556 GROUP NO.: 2673
FILING DATE: February 8, 2002 EXAMINER: Shankar, V.
TITLE: *SYSTEM AND METHOD FOR RECORDING WRITING PERFORMED ON A SURFACE*

Assistant Commissioner of Patents
Washington, D.C. 20231

*Declaration Under 37 C.F.R. §1.132 of
Joseph Petrie and Chris Cacioppo*

Dear Sir:

We, Joseph Petrie and Chris Cacioppo, hereby declare as follows:

1. We are co-inventors, together with William P. Moyne, Hector Padilla, Erik James Pedersen, Kurt E. Guggenberger, Wilfred Collier, Matthew D. Verminski, Anson Wooding, and Curtis Nauseda, of the subject matter described and claimed in the above-identified patent application.
2. We are also inventors of the subject matter of commonly-owned U.S. Patent Application No. 09/896,944, Publication No. 2002/0055788 A1 ("the '944 application").

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of Joseph Petrie and Chris Cacioppo
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3. We are familiar with the specification and claims of the present application. In addition, we are familiar with the outstanding Office Action dated October 6, 2004 in which claims 1-13, 16-22, 25-45, and 48-82 stand rejected as being anticipated by the '944 application and in which claims 14, 15, 23, 24, 46, and 47 stand rejected as being obvious in view of the teachings of the '944 application when combined with the state of the art.

4. We are making this declaration in support of our belief that we, along with William P. Moyne, Hector Padilla, Erik James Pedersen, Kurt E. Guggenberger, Wilfred Collier, Matthew D. Verminski, Anson Wooding, and Curtis Nauseda, are the correct inventors of the claimed subject matter of the present application.

5. The claimed invention, i.e., a system for recording a writing performed on a surface, was developed by the inventors during our tenure of employment with Virtual Ink Corporation. Aspects of the invention were disclosed, but not claimed, in the '944 application, particularly those cited by the Examiner in the outstanding Office Action.

6. We are also co-inventors of the '944 application, and we conceived and invented the subject matter cited by the Examiner as a reference against the present application.

7. In conclusion, we believe that we, along with William P. Moyne, Hector Padilla, Erik James Pedersen, Kurt E. Guggenberger, Wilfred Collier, Matthew D. Verminski, Anson Wooding, and Curtis Nauseda, are the proper named inventors of the claimed subject matter of the present application.

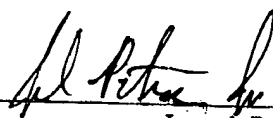
8. We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code and that all such willful false statements may jeopardize the validity of the application or
any patent issuing thereon.

4/5/2005

Date



Joseph Petrie

Date

Chris Cacioppo



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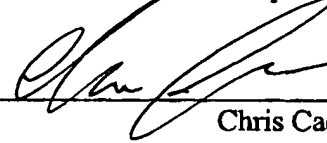
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Code and that all such willful false statements may jeopardize the validity of the application or
any patent issuing thereon.

Date

4/5/05

Date

Joseph Petrie



Chris Cacioppo

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